



Kentuckiana Regional Planning & Development Agency

Title VI Complaint Procedures - English

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin has a right to file a complaint within 180 calendar days of the alleged discrimination. At the complainant's discretion, the complaint can be filed with KIPDA, the Kentucky Transportation Cabinet, the Kentucky Commission on Human Rights, Indiana Department of Transportation, Indiana Civil Rights Commission, and/or the Secretary of the US Department of Transportation.

Submission of Complaints

All complaints, written or verbal, shall be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made shall reduce the complaint to writing. The complaint must be filed within 180 calendar days after the date of the alleged discrimination unless the time for filing is extended by the Secretary of the US Department of Transportation.

Complaints should be submitted in writing, signed, dated, and filed via mail, email, fax, or in-person to the contact below. Anyone who requires a reasonable accommodation should contact:

Kelly Tyra Cecil – Title VI Coordinator
Kentuckiana Regional Planning and Development Agency
11520 Commonwealth Drive Louisville, KY 40299
Phone: (502) 266-6084 Fax: (502) 266-5047
Email: kellytyra.cecil@kipda.org

Complaint Format

Complaints, whether written or later reduced to writing by a staff person, should contain the following information:

1. Name, address, and telephone number of the complainant, if provided.
2. The basis of the complaint, i.e., race, color, or national origin.
3. The date or dates on which the alleged discriminatory event or events occurred.
4. The nature of the incident that led the complainant to feel discrimination was a factor.

5. Names, addresses and telephone numbers of persons who may have knowledge of the event.
6. Other agencies or courts where complaint may have been filed and a contact name.
7. Complainant's signature and date.

The Title VI Coordinator will maintain a record of all complaints on a Complaint Log. Currently, there are no investigations, complaints, or lawsuits

Determination and Investigation

Kelly Tyra Cecil, KIPDA's Director of Human Resources, is the Title VI Coordinator; all complaints should be submitted to her and will be investigated by her. If technical assistance is needed to resolve the complaint, KIPDA may contact the Agency's Legal Counsel, the Kentucky Transportation Cabinet, the Indiana Department of Transportation, and/or the Secretary of the US Department of Transportation.

Request for Additional Information from Complainant

If necessary, additional information may be requested from the complainant. Meetings may be held with the complainant to resolve the complaint.

Notice of Disposition/Referral to Other Agencies

The complainant will be notified in writing of the disposition of the complaint. In cases where the complainant is dissatisfied with the resolution by KIPDA the complaint may be submitted to the Kentucky Transportation Cabinet, the Kentucky Commission on Human Rights, the Indiana Department of Transportation, Indiana Civil Rights Commission, and/or the Secretary of the US Department of Transportation. See contact information below:

Kentucky Transportation Cabinet
 Title VI Coordinator
 200 Mero Street, W-6-01
 Frankfort, Kentucky 40622
 1-800-928-3079

Indiana Department of Transportation
 Title VI Coordinator
 100 N. Senate Ave., IGCN 904
 Indianapolis, Indiana 46204
 1-317-232-4005

Kentucky Commission on Human Rights
 332 W. Broadway, Suite 700
 Louisville, Kentucky 40202
 1-800-292-5566

Indiana Civil Rights Commission
 100 N. Senate Ave., IGCN 103
 Indianapolis, Indiana 46204
 1-800-628-2909

Departmental Office of Civil Rights
 US Department of Transportation
 400 7th Street SW
 Washington, DC 20590
 202-366-4648

Processing Complaints

Complaints filed with KIPDA in which KIPDA or a sub-recipient that is named as a Respondent, shall be forwarded to Kelly Tyra Cecil, KIPDA's Title VI Coordinator. Complaints filed with a sub-recipient of KIPDA shall be forwarded to KIPDA within three days of receipt.

In special cases warranting intervention to ensure justice, KYTC may assume jurisdiction and either complete or obtain services to review or investigate a matter. Materials already obtained by KIPDA investigators may be relied upon or supplemented or the matter may be reinvestigated.

In accordance with the regulations at 23 CFR 200.9(b)(3), a copy of the complaint, together with a copy of KIPDA's report of the investigation, shall be forwarded to KYTC within 60 days of the date the complaint was received by KIPDA. An extension of an additional 60 days may be granted by KYTC for justifiable reasons. KIPDA will forward the complaint through KYTC's Office of Civil Rights and Small Business Development (OCRSBD) for review and issuance.

Acceptance and/or Dismissal of Complaints

When KIPDA receives an inquiry, comment, or complaint, which alleges or implies discrimination as addressed by Title VI of the Civil Rights Act of 1964, a copy is forwarded immediately to KIPDA's Executive Director and Title VI Coordinator. KIPDA's Title VI Coordinator is responsible for logging in the document and maintaining the required statistical data.

KIPDA's Executive Director and Title VI Director, in consultation with KIPDA Legal Counsel, will discuss the matter to determine if it constitutes a Title VI complaint. If it is determined that the issues do not meet a Title VI complaint, KIPDA's Executive Director will submit the appropriate response to KYTC through the KYTC's OCRSBD.

If it is determined that the issues constitute a Title VI complaint, the Executive Director or the Title VI Coordinator will determine responsibility and the need for additional information. KIPDA may request additional information and/or clarification and will maintain a log of complaints filed with and investigated by KIPDA.

KIPDA's Executive Director will respond in writing, acknowledging receipt of complaint within 10 days from date of receipt. After reviewing the complaint, the Executive Director may recommend dismissal of a complaint for any of the following reasons:

1. The complaint was filed in an untimely manner.
2. The complaint does not allege a basis covered by the statutes for which KIPDA is responsible.

3. The complaint does not allege any harm with regard to covered programs or statutes.
4. The complainant requests the withdrawal of the complaint.
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts.
7. The complainant fails to accept a reasonable resolution. Reasonableness to be determined by KIPDA via KYTC's OCRSBD.
8. The complainant has filed a legal action in Federal District Court with the same basis and issue(s) involved in the complaint.
9. The same complaint's allegations have been filed with another federal, state, or local agency.

Acceptance of a complaint will be determined by the following:

1. Timely filing of the complaint.
2. If the allegations involve a covered basis such as race, color, or national origin.
3. If the allegations involve a program or activity of a federal aid recipient, sub - recipient, or contractor.

All complaints received by KIPDA will be logged for tracking purposes.

Withdrawal of a Complaint

The complainant may withdraw his or her complaint at any time after filing and prior to the issuance of a determination or resolution by the KIPDA. The complainant must submit a written withdrawal to the following:

Title VI Coordinator
KIPDA
11520 Commonwealth Drive
Louisville, KY 40299

Appeal Process

If a complaint cannot be resolved by KIPDA to the satisfaction of the complainant, the complainant may appeal, in writing, to the following:

Federal Highway Administration
Kentucky Division Office of Civil Rights
P. O. Box 536 Frankfort, KY 40601

Discrimination complaints may be filed with KYTC and/or FHWA before, during or after the complaint has been filed with KIDPA.

This procedure does not deprive the complainant his or her right to file a complaint:

- The U.S. Department of Transportation: www.dot.gov
- The U.S. Department of Justice: www.usdoj.gov
- Federal Highway Administration: www.fhwa.dot.gov

Final Agency Reports

KIPDA will submit the investigative report, investigative file, and a recommended decision to KYTC's OCRSBD.

The Department of Justice's Civil Rights Division takes the position that a Title VI finding of violation, or no violation is a federal decision that cannot be delegated. Although a state recipient can conduct a Title VI investigation of its sub-recipients or contractors and make a recommendation to the federal decision-making authority, KIPDA must submit its proposed dispositions to FHWA for a Final Agency Decision. The KYTC's OCRSBD may request that further investigation be undertaken if the record of evidence is incomplete.